



**City of Lake Elmo  
Planning Commission Meeting  
Minutes of October 11, 2017**

Chairman Williams called to order the meeting of the Lake Elmo Planning Commission at 7:00 p.m.

**COMMISSIONERS PRESENT:** Williams, Lundquist, Dodson, Emerson, Johnson, Dorschner & Hartley (joined at 7:06)

**COMMISSIONERS ABSENT:** Kreimer & Larson

**STAFF PRESENT:** Planning Director Becker and City Planner Prchal

**Approve Agenda:**

M/S/P: Dorschner/Dodson, move to accept the agenda as presented, ***Vote: 5-0, motion carried unanimously.***

**Approve Minutes:** September 25, 2017

M/S/P: Dorschner/Lundquist, move to approve the September 25, 2017 minutes as amended, ***Vote: 5-0, motion carried unanimously.***

**Public Hearing Item – Conditional Use Permit 11459 60<sup>th</sup> Street**

Becker started her presentation regarding the Conditional Use Permit application from Chad and Eileen Bergmann to allow an additional accessory structure to the maximum number and size permitted in the Rural Residential zoning district for the property located at 11459 60<sup>th</sup> Street. This parcel is located just south of Hwy 36.

The applicant has applied for a lot line adjustment to change the existing lot from 4.58 acres to 6.86 acres, making it more conforming. It will include the barn with the existing homestead which has the same well and electricity source.

There currently are 4 structures on the existing parcel including small sheds that are under 160 square feet. Those are not included in the amount of accessory structures allowed, but it all totals 3640 square feet which is already non-conforming. The number of structures that would exist on the resultant parcel after the lot line adjustment would be 8 totaling 6392 square feet. The zoning code states that additional accessory structures are allowed in AG & RR by Conditional Use Permit. Becker went through the

findings that must be met in order to approve the Conditional Use Permit and how the application met the findings.

Staff is recommending one condition of approval that the lot line adjustment be approved by staff and recorded with the County, with proof of recording submitted to the City within 60 days of approval.

Eileen Bergmann, 5500 Lake Elmo Ave, the barn and house at one time was together. At some point in the '60's, the barn was separated from the home. They would like to put it back with the house as the water, electricity, etc. comes from the home.

Public Hearing opened at 7:17 pm

There was one inquiry asking if any new structures were being proposed, which there is not.

Public Hearing closed at 7:17 pm

LUNDQUIST is familiar with the property and feels this makes perfect sense.

M/S/P: Hartley/Lundquist, move to recommend approval of the request from Richard, Eileen and Chad Bergmann for a conditional use permit to allow an excess of the permitted two accessory structures and accessory structure size requirements in the Rural Residential zoning district for the property located at 11459 60<sup>th</sup> Street North subject to recommended condition of approval and findings in the staff report, **Vote: 6-0, motion carried unanimously.**

#### **Business Item – Wind Power Ordinance Discussion**

Prchal started his presentation regarding the Wind Power Ordinance. Currently the Wind Generator Ordinance is not clearly referenced. It is in Chapter 150 and is an ordinance and is allowed in AG & RR.

Currently there is an application process. The application needs to be filled out and engineer plans need to be submitted with the application. A site plan also needs to be provided of the applicant's property showing where the wind generator will be located and identifying all existing structures. They also need to include a statement of compliance with all applicable regulations of the Federal Aviation Agency.

The application is reviewed by the Building Official and there is a public hearing conducted by the City Council. There are 2 conditions of approval 1) Expires upon sale or subdivision of the land and are reviewed annually 2) May be revoked if not compliant with conditions of permit.

There are a number of other conditions that must be met. These include 1) minimum lot size of 40 acres 2) cannot exceed 125 feet in height 3) minimum setback for wind generator and guy wires from property line is 150 feet 4) fencing may be required 5) no lighting 6) not allowed in Lake Emo Airport Safety Zones 7) 1000 feet between wind generators 8) if property subdivided to less than 40 acres, the wind generator will be removed 9) permit is not transferable.

Dodson is wondering about Commercial Wind Generators and how would those be restricted. How does that City restrict them from going in places we do not want them. Becker stated that currently it is not in the zoning code. Staff wants feedback from the Planning Commission to see if it should be moved to zoning code. There is currently nothing that prohibits them from going in the AG & RR zones. It doesn't require a CUP so if they meet the conditions, they would be allowed.

Hartley would argue that because the excess energy produced is sold back, that any of these could be considered commercial to some aspect. Hartley feels these should be regulated through size and height. Dodson thinks that they could possibly be regulated based on blade length. Hartley researched the size of the wind generator in North St. Paul for reference and found that it is 115 feet from the base to the tip of the rotor. The shaft is 80 feet to the hub.

Dodson has 2 concerns with the larger ones 1) the aesthetics 2) they take a toll on birds. He feels that solar is a lot less impactful on the City. Dodson feels that this should be located in the code where the solar ordinance is and perhaps there are some common elements. Dodson felt most of the safety standards seemed pertinent.

Dodson asked what the difference is of having the Wind Generator ordinance in the municipal code vs. in the Zoning code. Becker stated that ordinances outside of the zoning code does not require a public hearing. Also, from a customer service standpoint, it is easier to look in the zoning code to figure out what is allowed in each zone. Becker feels that it might make sense to put all of the alternative energy options together with standards.

Dodson feels that there should be a wind generator section, but the technical aspects could be dealt with administratively through the application process.

Hartley asked if there should be a setback from a waterbody or park.

Williams asked what topics should be discussed. The Commission felt that there should be a safety section. Hartley stated that there should be a requirement that there be instructions on how to shut down the wind generator in case of emergency.

Dodson wants something included about abandonment that it needs to be torn down at their expense.

Hartley stated that “horizontal shaft” needs to be deleted from the definition as not all wind generators have a horizontal shaft.

Dodson asked if the City would allow attached antenna on the wind generator. The Commission seemed in favor of allowing this. Hartley thinks there should be no advertising.

Becker asked if the Planning Commission wanted to leave the allowed zones to only AG & RR and if they wanted to limit it to lots of 40 acres or more. Becker also wanted to know if the Commission wanted leave the existing text that limits the location to no closer than 1000 feet apart.

Williams thinks that the minimum lot size should be lowered and the space between should also be lowered. Emerson feels that if you have 10 acres, you should be able to put one up and they should also be allowed in commercial areas. Emerson stated that there are also wind generators that can be mounted on the top of a building. Dorschner is wondering if there could be a standard for roof mounted in residential. Becker stated the North St. Paul had standards for roof mounted wind generators. Williams is thinking they might want to allow in all districts, but would need different standards for each zone. Williams is wondering if they would want all of them subject to Conditional Use Permits, or would some of the small roof mount ones just be allowed.

Dodson thinks if it is roof mounted, it should have the same height restriction as the home. If it is free standing it should have a different height restriction. Emerson thinks in a residential district, the free standing should still have a 35 foot restriction, which might preclude them from even being there.

Williams asked if City Staff could provide some language to provide for wind generators in all districts with the start of the proper size limits in the different zoning districts.

Dorschner is wondering if it could be structure mounted instead of roof mount as that limits where the wind generator can go. Hartley would like the height restrictions to somehow be related to the property size.

Williams thinks that the setback should relate to the size of the structure. Williams is wondering if these should be CUP’s in all districts or should they be allowed uses in some zoning districts. Becker is wondering if they should all be accessory uses or would it be allowed as a primary use.

Things to consider for wind generators 1) diameter of rotar/height 2) proximity to wildlife 3) noise and vibration 4) fencing for security risk 5) safety standards 6) standards for specific certifications 7) color 8) maintenance 9) removal 10) setbacks

### **City Council Updates – October 3, 2017 Meeting**

- i) Lakewood Crossing 2<sup>nd</sup> Addition Developer Agreement – passed
- ii) ZTA, ZMA and CUP for a Commercial Boarding Facility – tabled
- iii) Variance 8323 Deer Pond Trail - passed

**Staff Updates**

- 1. Upcoming Meetings
  - a. October 23, 2017
  - b. November 13, 2017
- 2. MAC CEP Report

***Commission Concerns***

Meeting adjourned at 8:22 pm

Respectfully submitted,

Joan Ziertman  
Planning Program Assistant